Electronically Filed 10/5/2022 11:35 PM Steven D. Grierson CLERK OF THE COURT

T. Matthew Phillips, Esq. California State Bar No. 165833 1 (Not Licensed in Nevada) 4894 W. Lone Mtn. Rd. 2 No. 132 3 Las Vegas, Nev. 89130 Tel: (323) 314-6996 4 Self-Represented 5 6 7 8 EIGHTH JUDICIAL DISTRICT COURT 9 CLARK COUNTY, NEVADA 10 11 Case No: A-22-851472-C 12 T. MATTHEW PHILLIPS, Esq. " 9 " Dept No: 13 Plaintiff, PLAINTIFF'S 14 OBJECTION to MEDIA ORDER and NOTICE of FEDERAL 15 CIVIL RIGHTS VIOLATIONS. VS. 16 17 Plaintiff Requests Hearing SHANNON R. WILSON, Esq. 18 19 Defendant. 20 21 22 //// 23 //// 24 //// 25 26 27

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<u>PLAINTIFF'S OBJECTION to MEDIA ORDER</u> <u>and NOTICE of FEDERAL CIVIL RIGHTS VIOLATIONS</u>

I. OBJECTION TO MEDIA ORDER—

Objection to Media Order: On Oct. 5, 2022—the eve of a court hearing—the court filed a media order into this case; however, Plaintiff objects to this media order because the parties were given no prior "notice" concerning the initial media request, and no "opportunity to be heard" concerning such request, [see 14th Amdt.].

'Notice' & 'Opportunity to Be Heard': Issue—where, as here, third parties file proposed orders—that materially affect the proceedings—into litigations to which they are *not* parties, must the court give the plaintiff and defendant "notice" of the third party's proposed order—and an "opportunity to respond" to it—"before" the court signs it? Yes, of course! The 14th Amendment requires "due process," which means the parties are entitled to "notice" of the proposed order—along with an "opportunity to repond" to it—"before" the court signs it, [see 14th Amdt.].

Our Nevada Judges—Ex Parte Communication: When Our Nevada Judges, ("ONJ"), filed its proposed media order, there was ex parte communication within the meaning of the Nevada Code of Judicial Conduct, Rule 2.9(B)—

"[i]f a judge inadvertently receives an unauthorized ex parte communication bearing upon the substance of a matter, the judge shall make provision promptly to *notify the parties* of the substance of the communication and provide the parties with an *opportunity to respond*."

[NCJC, Rule 2.9(B); (bold italics added)].

NCJC Requires Notice & Opportunity to Respond: Here, because the Court received *ex parte* communication—a proposed order—from a third party, *Our Nevada Judges*, the Court was legally obliged to "notify the parties," and provide "opportunity to respond," [see NCJC, Rule 2.9(B)]. Obviously, the draftors of NCJC, Rule 2.9(B), had

the 14th Amendment in mind—due to the conspicuous language, *i.e.*, "notice" and "opportunity to respond," [see 14th Amdt.]. But here, the parties have been denied "notice" and "opportunity to respond." Remarkably, the Court signed ONJ's proposed order—"before" the parties had any notice or knowledge of it.

II. NOTICE OF FEDERAL CIVIL RIGHTS VIOLATIONS—

<u>Federal Civil Rights Violation</u>: Plaintiff is entitled to "due process"; (and, for the record, Defendant is entitled to the same "due process"). When this Court signed the proposed media order—in total secrecy—with no prior "notice" to the parties—and no "opportunity to be heard"—this Court violated Plaintiff's federally protected rights to "due process" of law as guaranteed under the 14th Amendment; (so too, the Court violated Defendant's due process rights).

<u>Plaintiff Wishes to Respond</u>: Plaintiff wishes for an opportunity to adequately respond to the media request that *Our Nevada Judges*, ("ONJ"), secretly lodged with this Court. Plaintiff will explain "why" ONJ brings prejudice to these proceedings; notably, *for example*, Plaintiff is informed and believes that ONJ maintains close and substantial ties to local attorneys, Jennifer Abrams, Esq. and her boyfriend Marshall Willick, Esq., both of whom, Plaintiff believes, use ONJ as a bully pulpit to defame parents critical of the family court "system."

The Matter Must Be Briefed: Plaintiff proposes a brief continuance so that the parties may fully briefy the matter. The Court will note, Plaintiff did contact Defendant's counsel-of-record, *i.e.*, to learn his position regarding the media order, however, counsel is high-conflict and non-responsive.

Our Nevada Judges Cannot File Adversarial Briefs: The Court will please note, Our Nevada Judges, as a matter of law, cannot file adversarial briefs into this case—and for two reasons—(i) Our Nevada Judges is not a party, and (ii) Our Nevada Judges is not an attorney-of-record, [NRCP, Rule 11(a)]. Most significantly, as a matter of law, ONJ cannot oppose this motion.

NRCP, Rule 11(a): Just to reemphasize—(i) ONJ is *not* a party, and (ii) ONJ is *not* an attorney-of-record; *therefore*, as a matter of law, ONJ lacks standing to file adversarial briefs into this case, [NRCP, Rule 11(a)].

All Pleadings Must Be "Signed": Rule 11(a) requires all pleadings be signed by (i) a party, or (ii) attorney-of-record," [NRCP, Rule 11(a)]. As a matter of law, ONJ may not file pleadings into this case. It's legally "impossible" for ONJ to sign pleadings because, of course, ONJ is not a party, nor is it an attorney-of-record, [see Rule 11(a)].

III. SUMMARY & CONCLUSION—

<u>Factual Summary</u>: Just recently, *Our Nevada Judges*, ("ONJ"), filed with this court a proposed media order, which constitutes *ex parte* communication within the meaning of the *Nevada Code of Judicial Conduct*, Rule 2.9(B); *therefore*, upon receipt of the proposed order, this Court was legally obliged to give—(i) notice of the proposed order, and (ii) adequate opportunity to reSpond thereto, [NCJC, Rule 2.9(B)].

<u>Legal Summary</u>: Plaintiff is legally entitled to "notice" of a third party's proposed order—and an "opportunity to respond" to it—"before" the court signs it.

<u>Conclusion</u>: Plaintiff prays this Court grant a brief continuance in order that the parties may brief the issues concerning the challenged media order.

Dated: Oct. 5, 2022 RESPECTFULLY SUBMITTED,

J. Watther Philips

T. Matthew Phillips, Esq.
Calif. State Bar No. 165833
(Not Licensed in Nevada)

Email: TMatthewPhillips@aol.com

Tel: (323) 314-6996 Self-Represented Plaintiff

AFFIDAVIT of T. MATTHEW PHILLIPS, ESQ.

My name is T. MATTHEW PHILLIPS. I am the Plaintiff. I am a licensed California attorney, (SBN 165833). I am *not* licensed in Nevada. All facts herein alleged are true and correct of my own personal knowledge. And as to those matters alleged on information and belief, I reasonably believe them true.

I hereby declare under penalty of perjury pursuant to the laws of the State of Nevada, the foregoing is both true and correct.

Dated: Oct. 5, 2022

T. Watthew Philips

T. MATTHEW PHILLIPS, ESQ. Calif. State Bar No. 165833 (*Not* Licensed in Nevada)

Email: TMatthewPhillips@aol.com

Tel: (323) 314-6996 Self-Represented Plaintiff

* * *

CERTIFICATE-OF-SERVICE

I am an individual over the age of eighteen and not a party to the within action. My business address is 4894 W. Lone Mtn. Rd., No. 132, Las Vegas, Nev. 89130. My phone number is (323) 314-6996.

On Oct. 5, 2022, I served the following:

Plaintiff's Objection to Media Order and Notice of Federal Civil Rights Violations;

on an interested party in the above-entitled action by

X via e-mail transmission,

personal service on the person below listed,

depositing it in the U.S. Mail, postage prepaid,
and addressed to the person below listed,

Dan R. Waite, Bar No. 4078
LEWIS ROCA ROTHGERBER CHRISTIE LLP
3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169
Tel: 702.949.8200
DWaite@lewisroca.com

I declare under penalty of perjury under Nevada law, the foregoing is true and correct.

Dated: Oct. 5, 2022

J. Watthew Phillips

T. Matthew Phillips, Esq. *Declarant*.

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